

Release  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 17, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

# 98-114 Cortez v. Purolator Products Air Filtration Co, S071934.  
(A075456, A070523; 64 Cal.App.4th 882, mod. 65 Cal.App.4th 573a.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents 1) an issue, related to one before the court in Kraus v. Trinity Management Services, Inc, S064879 (See #97-166), concerning whether a private party may obtain an award of restitution for nonparties under the Unfair Business Practices Act in the absence of class certification and 2) an issue concerning whether an action for disgorgement of unpaid wages constitutes a claim for damages which may not be recovered under the act or a claim for restitution which may be recovered. (See Bus. & Prof. Code, § 17200 et seq.)

# 98-115 People v. Kidd, S071352. (B106003; 63 Cal.App.4th 604.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents an issue, concerning whether the determination of whether a prior conviction constitutes a “serious felony” for

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purposes of sentencing presents a question for the jury or for the court, which is related to an issue before the court in People v. Kelij, S070960. (See #98-98.)

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